

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
BEAUMONT DIVISION

HUMBERTO RUIZ GONZALEZ	§	
VS.	§	CIVIL ACTION NO. 1:05-CV-495
D. HILL, ET AL.	§	

MEMORANDUM ORDER OVERRULING PLAINTIFF’S OBJECTIONS AND ADOPTING  
THE MAGISTRATE JUDGE’S REPORT AND RECOMMENDATION

Plaintiff Humberto Ruiz Gonzalez, a prisoner confined at the United States Penitentiary in Beaumont, Texas, proceeding *pro se*, filed this civil rights action pursuant to *Bivens v. Six Unknown Agents of the Federal Bureau of Narcotics*, 403 U.S. 388 (1971), against D. Hill, C. Rivers, and G. Szemborski.

The Court ordered that this matter be referred to the Honorable Earl S. Hines, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge submitted a Report and Recommendation of United States Magistrate Judge. The magistrate judge recommends dismissing the lawsuit pursuant to Federal Rule of Civil Procedure 4(m) for insufficient service of process.

The Court has received and considered the Report and Recommendation of United States Magistrate Judge, along with the record, pleadings, and all available evidence. Plaintiff has filed objections to the magistrate judge's Report and Recommendation.

The Court has conducted a *de novo* review of the objections in relation to the pleadings and the applicable law. *See* FED. R. CIV. P. 72(b). Plaintiff has not served the defendants in accordance with Rule 4 or shown good cause for his failure to do so. Plaintiff alleges he unsuccessfully tried

to serve the defendants by mail, but he made no further attempts to serve the defendants. In fact, it appears that plaintiff has no intention of assuming responsibility for service. Although plaintiff has been advised twice that he, as a paying litigant, is responsible for serving the defendants, he now requests the Court to serve the defendants. Therefore, after careful consideration, the Court concludes the objections are without merit.

**ORDER**

Accordingly, plaintiff's objections are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct and the report of the magistrate judge is **ADOPTED**. A final judgment will be entered in this case in accordance with the magistrate judge's recommendation.

**SIGNED** this the **1** day of **May, 2006**.

A handwritten signature in black ink, appearing to read "Thad Heartfield", written over a horizontal line.

Thad Heartfield  
United States District Judge